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ABSTRACT

Six major studies are cited in review of the literature comparing status and delinquent offenders, yielding findings which support a policy of moderation in decision making about differential treatment of these two types of juvenile offenders. Four of the studies on status offenders which indicate that recidivism rates may vary in proportion to the degree to which these offenders have penetrated the juvenile justice system suggest a positive correlation between degree of system penetration and magnitude of recidivism rates. Some findings also indicate that there is a relationship between type of first offense and type of subsequent offense. Overall, the evidence suggests that systematic research is needed to investigate basic differences between the two offender types and the effect of juvenile justice system processes on them. (CC)

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ARE STATUS OFFENDERS REALLY DIFFERENT?

By

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January 1979

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
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NOTE TO THE READER

In the interest of the reader who must come to grips with issues quickly and who must form tentative solutions to problems without the luxury of having extended periods of time to develop elaborate analytical approaches and do extensive reading, we suggest that this report can be read more quickly if the reader identifies his/her interests from the following list and limits himself or herself to the reading recommended:

<u>Type of Reader Concern</u>	<u>Reading Suggestion</u>
1. I just want to know what the report is about (the problems posed) and what the researcher found (suggested answers and conclusions).	Read the "Executive Summary" (p. v) and the "Conclusions" (p. 51) section
2. I want a clear statement of the research problem and a description of each study reviewed which provided a basis for the answers. I can draw my own conclusions from the studies.	Read Section A, "Introduction" (p. 1), and Section B, "A Selective Review of the Research Literature" (p. 5), and review the tables in Section C entitled "Study Findings" (p. 33)
3. I wish to follow the complete analytical trail of the research effort from statement of problem through statement of conclusions and research implications.	Read the "Executive Summary" and the entire report

EXECUTIVE SUMMARY

Due partly to the fad-like appearance of juvenile diversion programs and partly to the fact that the available literature on diversion lacks an empirical focus or basis, professionals in and associated with the juvenile justice system are faced with a number of difficult policy-oriented questions. One question recently articulated by students of diversion asks whether or not juvenile "status offenders" are really different (in terms of personality and offense behavior patterns) from "delinquent" or criminal type offenders. This question is important in that an accepted answer would help to determine whether or not "juvenile diversion" advocates should attempt to create separate organizational structures with differential intervention strategies for these two classes of offenders.

This paper is a response to the question of unique offender types as posed above. It is based on a review of several research studies which present empirical evidence bearing on the issue of whether or not status offenders are unique in terms of selected behavioral and personality factors.

Each of the six (6) major studies cited is briefly described in terms of research methodology and the basic findings are reviewed in terms of the uniqueness issue. Based on the various findings and comparisons between study results, a number of tentative conclusions are reached.

First, findings from four (4) of five (5) studies reviewed suggest that in terms of status offenders, their recidivism rates may vary in proportion to the degree they have penetrated the juvenile justice system. That is, those status offenders who make it well beyond police contact and experience juvenile court processing may have higher recidivism rates than those who are released by the police; and those experiencing incarceration in a state training school may have even higher recidivism rates. The possibility of a strong positive correlation between degree of system penetration and magnitude of recidivism rates (number and seriousness of subsequent offenses) implies the necessity of more research. If offenders initially charged with status offenses begin to look more like delinquent offenders in terms of recidivism rates as they penetrate the juvenile justice system further with each subsequent court appearance, then we need to know the extent to which this is the result of stigma and labeling attached to juvenile justice system processing and/or the result of the fact that some status offenders (those resembling delinquent offenders) are selected out for further system processing and penetration.

Second, all three of the studies examining the recidivism rates of status versus other types of juvenile offenders first referred to juvenile court indicated that status offenders were slightly more likely to recidivate (be rereferred) than delinquent offenders. (Historically, juvenile court data on recidivism confirms that status offenders have recidivism rates which are as high as or higher than those of delinquents.) Only the study based on police data (as opposed to juvenile court data) shows an opposite pattern--i.e., one where status offenders are less likely to recidivate.

Third, while the studies reviewed are methodologically inadequate to determine if initial status offenders escalate their misconduct toward more serious criminal types of offenses, some evidence suggests that among recidivists there is a curious relationship between type of first offense and type of subsequent offense. Type of first offense is somewhat predictive of type of second offense, but the relationship is confounded by a sizable number of recidivists involved in offense switching. We are left, therefore, in the uncomfortable position of having to suggest that for some juvenile offenders recidivism tends to remain within type (i.e., status to status and criminal to criminal); but other recidivists (both status and criminal) do not restrict themselves to one type of offense; and as subsequent offenses occur, cross-overs from one type to another type of offense are not unlikely.

Fourth, one study approaches the issue of differences between status and delinquent offenders from a totally different perspective. Basically, this study notes that in one state (Arkansas) an attempt to deinstitutionalize status offenders did not result in a reduction in the size of the state institutional (training school) populations over a four-year period. Based on an analysis of various data, the report findings indicate that, due to involvement in multiple offenses of multiple types, a sizable number of juveniles previously institutionalized as status offenders were being relabeled delinquents. These data merely confirm the fact that juvenile offenders cover much behavioral territory in their misconduct, and many virtually defy classification--even in terms of the simple status-delinquent offender dichotomy.

Lastly, one study (though methodologically inadequate) suggests that there also may be much overlap between the personality structures of delinquent and status offenders. A more fruitful approach for future research comparing types of offenders might be to examine the "total situation" of offenders. Recent research here suggests that status offenders appear more vulnerable to family disorganization and may have fewer resources to work with in terms of the pivotal institutions of the family and school.

In general, this selective (and obviously limited) review of the literature comparing status and delinquent offenders yields findings which are at best suggestive. However, in the absence of an empirical base to support more conclusive findings, the evidence here supports a policy of moderation in making decisions about differential treatment of status and delinquent type offenders. In addition, it should at least establish the need for more systematic, rigorous research to investigate basic differences between these two offender types and to determine how each is affected by experiences and selection factors operating during juvenile justice system processing and penetration.

A. INTRODUCTION

1. The Purpose of This Paper

The paper has a threefold purpose to this paper. First, it is an attempt to articulate important policy-oriented questions which arise from investigating differences between status offenders and delinquents in the juvenile justice system. Second, it represents an attempt to glean from "available" empirical research whatever tentative answers can be generated at this time. Third, there is an attempt to outline the policy implications of the research cited--especially as this question applies to Oregon and the diversion of juveniles.

2. Issues in Juvenile Diversion

Many people concerned with policy development and decision making in the juvenile justice system today cannot help but feel somewhat overwhelmed by the enormity of the problems faced by planners, practitioners, and researchers. This is especially true of those people who must make decisions about juvenile diversion and the differential use of diversion for different classes of offenders--especially status offenders and delinquents. Three sets of important problems affecting policy characterize the current study of juvenile diversion.

First, there are problems of definition and description. A sampling of the questions being asked by professionals and decision makers reflect these problems. What is "diversion" and is it really new? When and where does diversion occur? What are the goals and objectives of diversion?

Second, there are the problems of assessing the claims made by those who have built the theoretical rationale for diversion--mainly the labeling theory advocates in criminology. One of the central questions here is whether or not contact with the juvenile justice system produces the amount of stigma some have attributed to it and the negative consequences of further deviance on the part of those initially labelled deviants.

Third, there are problems of assessing the effectiveness of diversion in terms of the claims of those practitioners who have formulated diversionary processes and established diversion programs and services. The key question seems to be whether or not diversion reduces the incidence of secondary deviance--i.e., the deviance which supposedly results from the labelling and processing of youth in contact with the juvenile justice system. Other questions about the effectiveness of diversion surface because many people are uncomfortable with the idea of new promises and seem sensitive to the dangers of possible negative by-products of diversionary practices. Some question whether or not diversion of youths from the juvenile justice system to "new" non-justice-system programs in the community might not inadvertently subject delinquent youth to hidden sources of stigmatization with the potential to sustain or even amplify current deviant behavior. A companion question here is concerned with the notion of "widening the net." Does diversion accelerate social control by drawing more juveniles into the jurisdiction of the juvenile court and juvenile justice system?

All of these are legitimate questions with important policy implications. However, we believe that these questions are preceded by a significant question as yet barely articulated by researchers, practitioners, and planners. When conceived of as both a process and as a system or network of projects and services, it appears that diversion has developed with special concerns for particular types of juvenile offenders. In particular, it appears that diversion has a strong emphasis on processing and serving status offenders. (NOTE: Status offenses are the acts and conditions of youths--under 18 years of age in Oregon and other states--which are prosecutable under general omnibus statutes which are somewhat vaguely defined and include, but are not necessarily limited to, engaging in "immoral conduct," being "ungovernable" or "incorrigible," and being "beyond the control of parents or legal guardians.") Many people have justified this special concern by arguing that there are important distinctions between status and delinquent (or criminal) type offenders. On the basis of these assumed differences, some have argued that each type (status and delinquent) merits a separate programmatic response. This implies division of the two classes of juvenile offenders into separate organizational entities with differential intervention and diversion strategies. These assumptions and their policy implications lead us to the research question addressed by this paper.

3. The Central Question Posed Here: "Are Status Offenders Really Different?"

Decisions to remove status offenders from the jurisdiction of the juvenile court (i.e., to divert them from this official institution); to build separate service delivery systems for them; and to deinstitutionalize them by removing them from state institutions (training schools), jail lockups, and detention centers--all involve the assumption that such offenders are in some important ways qualitatively and quantitatively different from other offenders--namely those committing what are termed delinquent or adult criminal type acts.¹

Unfortunately, there has been little research done to provide empirical evidence bearing upon the assumption of unique juvenile offender types. Often where research has attempted to test this assumption, the empirical evidence has been insufficient to make a decision one way or the other. Several studies do provide, however, some empirical evidence bearing on the uniqueness issues. Several of these studies are reviewed in the next section of this report.

¹However one might define status offenses and status offenders conceptually and operationally, the really significant issue is whether or not the legal classifications of "delinquent offender" and "status offender" can be used to distinguish between groups of juveniles who represent different needs in terms of intervention and treatment. If there is a relationship between children's needs and these two legal classifications; then, we can conclude that they are separate and distinctly different groups requiring different interventive approaches.

B. A SELECTIVE REVIEW OF THE RESEARCH LITERATURE

1. Charles W. Thomas, "Are Status Offenders Really So Different," Crime and Delinquency, Vol. 22, No. 4 (October 1976), pp. 438-455.

Professor Thomas begins his article by noting that the legal attacks on status offender statutes have been particularly potent. He argues (p.440) that it is difficult to take issue with the assertions of the critics:

...that status offender statutes violate juveniles' right to equal protection; that they proscribe many types of behavior in which governmental bodies can demonstrate no legitimate interest; that typically they are so lacking in clarity and specificity as to be unconstitutionally vague; and that in application they are often blatantly discriminatory, particularly on the basis of sex.

Further, he states (p. 441):

It seems highly probable that those critics of the juvenile court system who have argued that the rehabilitative goals of the court have not been attained are correct; similarly, that this failure, in turn, provides little or no support for any suggestion that the court be allowed to retain extremely broad discretionary decision-making power; and, finally, that status offenses are inherently discriminatory in application as well as typically unconstitutionally vague in their construction.

However, he goes on to point out the following (p. 441):

On the other hand, being correct on these points does not imply correctness with regard to those largely untested assumptions which imply (1) that status offenders have not been and are not likely to become involved in more serious delinquency and (2) that those who become so involved are really reflecting little more than the consequences of a self-fulfilling prophecy set in motion by their having been defined (legally, socially, and by themselves) as delinquents.

While he notes (p. 443) that the legal argument alone is sufficiently cogent to demonstrate the necessity of reform in status offender statutes and in the processing of status offenders in the juvenile justice system, he argues that the assumptions made about status offenders should be subjected to systematic empirical research.

His study attempts to test the above assumptions. It is based on an examination of the offense histories of a large sample of juveniles (N = 2,092) who appeared before one of two urban juvenile courts in Virginia on one or more occasions (one of which was the first court appearance)¹ during the five-year period between January 1, 1970, and December 31, 1974. Despite some methodological limitations of the study,² a number of Thomas's findings question the assumption that status offenders are a homogeneous and innocuous category of juveniles.

These findings are as follows:

- a. In terms of the relative frequency of the three general categories of offense types recorded in the study, the distribution of all first offenders was as follows:

¹Apparently, the first appearance, at least, involved the presence of a formal petition based on alleged delinquency by an offender residing within the jurisdiction of these two courts.

²For example, when more than one type of offense was charged and resulted in a juvenile court appearance, the most serious charge was coded. This probably made these juveniles appear to be more homogeneous than they were here. The methodological limitations of this study and subsequent ones will be discussed in more detail in the next section of this report.

<u>Type of Offense for Initial Charge</u>	<u>Percent</u>	<u>(N)</u>
Felony	22.32 %	467
Misdemeanor	50.33 %	1,053
Status	<u>27.34 %</u>	<u>572</u>
Total	99.99 %	2,092

These data indicate that status offenders constitute a major problem for the juvenile court, at least in that they represent a substantial proportion of the total load of cases which must be processed.

- b. These offenders first charged with a status offense were the most likely to return (i.e., recidivate or reappear in juvenile court at least a second time).

The proportions recidivating are as follows:

<u>Initial Referral Charge</u>	<u>Percent with at Least One Subsequent Referral¹</u>	<u>(N)</u>
Felony (N = 467)	31.5 %	157
Misdemeanor (N = 1,053)	21.6 %	227
Status (N = 572)	37.9 %	217

¹Since some readers may not consider status offenders as a legitimate part of the measure of recidivism here, the percentages in this table can be recomputed on the basis of using only subsequent referrals for felony or misdemeanor offenses. When this is done, the recomputed percentages are as follows: (1) 27.8 percent of the initial felony offenders, (2) 17.5 percent of the initial misdemeanor offenders, and (3) 20.5 percent of the initial status offenders had at least one subsequent referral for a delinquent act (offenses for which adults could be punished by law). These recomputed percentages make the recidivism rates of these groups more comparable.

- c. Any contention that those initially charged with a status offense will remain status offenders finds no support in this analysis: 59.15 percent (N = 223) of the reappearances charged against those initially appearing for a status offense involved either misdemeanors or felonies. The study data on those initially charged with felonies and misdemeanors indicated that a large proportion of their reappearances were for offense types other than the type of initial charge. Therefore, neither those initially charged with a status offense nor the other two groups appear bound to a single type of delinquent involvement.
- d. When attention was shifted from the types of offenses for which status offenders were likely to be returned to court to the previous offense histories of those charged with a status offense, further evidence of offense switching was obtained. In examining the prior offense histories of the 251 reappearances that involved status offense charges, Thomas found that 12.35 percent (N = 31) of those cases involved juveniles whose initial court appearance was for a felony offense and that 26.29 percent (N = 66) involved juveniles initially charged with a misdemeanor.
- e. Thomas notes that a substantial majority of the juveniles in his sample never recidivate (regardless of initial charge, sex, age or risk period length); and even of those most likely to return (those initially charged with a status offense who had long risk periods in which to reappear in juvenile court), a majority (53.18 percent) had only a single court appearance. Therefore, the author concludes (p. 453) that:

...if a formal court appearance is, as has been so frequently argued, a highly stigmatizing event that pushes juveniles toward ever more serious careers of delinquency, the juveniles in this sample either are finding effective ways of neutralizing the roles ascribed to them or are avoiding detection. Further, ...there is little or no evidence to support the contention that formal processing encourages ever more serious delinquent involvement. (Emphasis added.)

Thomas also states (p. 453):

For those who do reappear at each or any of these levels of reappearance (first through fourth), the charge at first appearance (or, for that matter, at any other appearance) is, at best, an imperfect predictor of the type of charge that resulted in any subsequent appearance.¹

Thus, it would appear from Thomas's findings above (a through e) that the following four conclusions hold:

- (1) There is little or no support here for the assertion that initial status offenders are a distinctly different group of juveniles (at least in terms of subsequent offense history).

¹The most notable exception here was female status offenders as they were more likely than their male counterparts to be returned for further status offenses.

- (2) There is little or no support for the contention that more serious delinquent involvement among status offenders is largely a reflection of their having been stigmatized by their initial court appearance.
- (3) Consistent with earlier research cited by Thomas (p. 442), knowledge of the type of behavior which brought about an initial court appearance is an exceedingly poor predictor of whether a juvenile would reappear and, if so, the type of misconduct that would prompt the reappearance.

Martin Gold in examining self-report data from a representative sample of American teenagers living in a large Midwestern city confirms that he could not say with reasonable reliability that a youngster who committed one kind of offense was more likely to commit a certain other offense rather than other offenses in general. Gold's remarks (pp. 33-34) are noteworthy:¹

According to these data, Flint youngsters simply did not specialize. Among the 100 most delinquent of them, the fewest different varieties of offenses committed by anyone was four, and there were only five youngsters of the 100 who committed as few as four kinds. Even among these five, their offenses were so varied--assault and theft, impulsive and calculated, minor and serious--as to defy typing.

¹See Martin Gold, Delinquent Behavior in an American City, Belmont, California: Brooks/Cole Publishing Company, 1970, for additional discussion about these data and conclusions.

I strongly suspect that there are offense specialists among youngsters--that is, boys and girls who do nothing but steal or set fires or runaway or beat up other kids, and do whatever they do frequently enough to show a pattern. But there seems to be so few of them that typing of offenses does not add anything to the general description of delinquent behavior or to an understanding of why some youngsters are more delinquent than others.

- (4) There is no evidence to support any assertion that status offenders are irrevocably pushed toward more frequent or more serious types of court processing.

NOTE: According to Thomas, the pattern of results obtained above was not altered when appropriate control variables (sex, age, and risk time) were introduced individually, and the interpretation of this pattern remained similarly unchanged.¹

¹The issue of what the results would look like if all three control variables were introduced simultaneously is not discussed in this article.

2. Aaron C. McNeece, "The Reliability of Statistics on Juvenile Status Offenders, or: The Juvenile Justice Name Game," conference paper published in Proceedings of the Criminal Justice Statistics Association Incorporated, Fall 1977.

While the research upon which this paper is based was not specifically designed to test assumptions about differences or similarities between status and other types of juvenile offenders, it does document the ease with which official relabeling of status offenders can occur.

McNeece began his paper by noting (p. 142) that an act of the 71st General Assembly of the State of Arkansas required that "...on or before August 1, 1977, any juvenile charged with offenses that would not be criminal if committed by an adult shall be released from all 'Secure Detention' facilities." As a consequence of passage and approval of the act, state training schools had approximately four and one-half months to find alternative placements for their status offender residents. McNeece surmised that the task of deinstitutionalizing status offenders here would be awesome, especially given that 38 percent of the 777 commitments to the state's Reception and Classification in 1974, for example, were status offenders. In addition, McNeece reasoned that since over one-third of the training school residents were status offenders and since status offenders were incarcerated for up to twice as long as other juvenile offenders, their removal should lower the training school's population by about 50 percent.

When he examined the appropriate data, however, he found (p. 144) that "...instead of a dramatic reduction in the institutional population, the total number of children held there remained about the same, while the number of delinquents increased and the number of status offenders decreased." (See McNeece's Table 3 reproduced here as Table 1.)

Table 1
Institutional Populations
on January 1, 1974-1977

Year	Total	Delinquents	Status Offenders
1974	401	221	180
1975	470	287	183
1976	338	237	101
1977	399	380	19

This shift in the distribution of offenses without a decrease in institutional populations could have been the result of an overall increase in delinquent behavior. However, according to police reports, reported criminal (and delinquent) activity remained almost constant during this period.

An alternative explanation or hypothesis might be that some of those juveniles who were previously institutionalized as status offenders are now being institutionalized as delinquents. Support for this hypothesis in this study comes from the following data and findings:

- a. Approximately forty percent (40%) of all juvenile offenders processed by the Reception and Classification Center in Arkansas were officially charged with more than one offense. In addition, a substantial number of court records indicated that in most cases juveniles could be charged with additional offenses that are not mentioned in petitions, commitment orders, or other official records.
- b. Data obtained from a random sample of case records in three of the largest juvenile courts in Arkansas indicate that there is a significant difference between status offenders in 1975 and in 1977 in the proportion of case records which reflected delinquent behaviors not officially charged against these youth. According to McNeece (p. 145), "This would seem to lend further support to the argument that the decrease in status offenders coming from the courts is at least partly due to the courts' application of a new label." (See McNeece's Table 4 reproduced here as Table 2).

Table 2
Delinquency Offenses of Status Offenders
for 1975 and 1977 in Three Courts*
(Arkansas)

	1975	1977	Total
Number of Status Offenders with Delinquent Behaviors Mentioned in Case Records	24 (27.9%)	3 (6.1%)	27
Number of Status Offenders with No Delinquent Behaviors Mentioned in Case Records	62 (72.1%)	46 (93.9%)	108
TOTAL	86 (100.0%)	49 (100.0%)	135

$\chi^2 = 9.26, p < .01$

*January through June, both years.

- c. McNeece also notes (p. 145) that as the number of status offender commitments to the Reception and Classification Center decreased from the first half of 1975 through the first half of 1977, the number of delinquency cases processed by the courts increased, and their status offender cases decreased. In regard to these facts, he notes (Ibid, p. 145):

Whereas the courts previously had a choice in the labels which they chose to apply to juvenile offenders who they sent to training schools, the only way under the present law to remove a troublesome youth from the community is to apply the delinquency label. (See McNeece's Table 5 reproduced here as Table 3.)¹

Table 3

Official Cases Filed in Juvenile Courts
1975 and 1977*
(Arkansas)

	1975	1977
Status Offenders	1,348	605
Delinquents	3,827	4,952

*January through June for both years, 32 reporting courts.

- d. McNeece notes (p. 146) that the Arkansas "...deinstitutionalization act has a 'catch 22' provision in that a juvenile's violation of the conditions of probation can be defined as a delinquent act." This provision thus reopens the possibilities of incarceration for those juveniles who are "true status offenders" and who have been placed on probation by courts which have no alternative placements.

¹There is always a danger in studies using official delinquency data that we may be measuring the reported behavior of the observer (the official) more than the actual behavior of the juveniles involved. How behavior gets reported, therefore, becomes as important as the behavior that actually occurs.

Note: While no attempt will be made in this paper to test McNeece's hypothesis using Oregon data, recent trends in county juvenile department referrals and in county commitments to the state's two training schools suggest the possibility that this hypothesis might hold here also. For example, the recent two volume Report of the Governor's Task Force on Juvenile Corrections (November, 1978) makes note of two trends:

1. During the three (3) year period from 1975 to 1977, five (5) of the state's major urban counties (Clackamas, Jackson, Lane, Marion, and Washington) decreased their proportion of male status offense referrals from 21.9 percent to 17.3 percent of the total, while male criminal offense referrals increased from 49.9 percent to 52.9 percent. (Volume II, p. 28)
2. During the same period (above) these same urban counties increased their commitment rate to the state's two training schools.

With regard to the first trend, the report makes the following statements (Vol. II, pp. 28-29):

These changes may represent a 'relabelling phenomenon'--a tendency to respond to the most serious aspects of juvenile behavior because of community attitudes about crime. Thus, a juvenile who in the past would have been referred for the status offense of running away from home in the family car might now be relabelled as a criminal for the offense of unauthorized use of a motor vehicle. The relabelling of behavior from status to criminal offense has been reported anecdotically by juvenile system officials in Oregon, but it is extremely difficult to find data to demonstrate that it is occurring. However, the change in proportions of criminal and status offense referrals is consistent with the occurrence of some relabelling.

Another factor which probably affected the proportions of criminal and status offense referrals was the passage of SB 703 by the Legislative Assembly in 1975. SB 703 prohibited the commitment of status offenders to the state training schools and limited detention to 72 hours. Subsequently, if a juvenile counselor feels at intake that a child may need to be committed to the training school (either immediately or eventually, if the child should violate probation), or if the counselor believes that the child may need to be held in detention longer than 72 hours, the counselor can keep more options open by charging the child with the alleged criminal behavior rather than the euphemistic status offense.

Juvenile department directors predicted that this "hardening of the record" would occur after the passage of SB 703, and indeed the data in Charts 10, 11 and 12 show a general increase in the proportion of criminal referrals. Testimony given by the administrator of the Juvenile Corrections Services Section of CSD indicated that many new commitments to the training schools now have records of referrals predominantly for felonies rather than for "behavior endangering" and other status offenses. Whether the actual behavior of these children has in fact become more serious, or whether SB 703 and other factors have contributed to a "relabelling phenomenon," is not clear.

In the end these data and inferences (above) merely suggest rather than verify the relabelling hypothesis. Because of the rather marked growth in Oregon training school commitments in the face of strong deinstitutionalization efforts made in behalf of status offenders, it would appear that the policy research questions posed here ought to have high priority. Indeed, there should be an urgent need to replicate the McNeece study in Oregon--especially as any confirmed relabelling of status offenders might prove to be antithetical to the current diversion and deinstitutionalization mandates.

3. Herbert A. Marra and Richard Sax, "Personality Patterns and Offense Histories of Status Offenders and Delinquents," Juvenile and Family Court Journal, Vol. 29, No. 2 (May 1978), pp. 27-32.

According to the authors, the purpose of this article is to examine two issues relating to the status offender (p. 27):

- a. "Are status offenders demonstrably different in personality from their delinquent counterparts?" and
- b. "Are status offenders who come within the juvenile court's jurisdiction likely to become involved in serious delinquencies?"

Two separate studies reported in this article address these questions. Study I analyzed Minnesota Multiphasic Personality Inventory (MMPI) profiles from a random sample of 60 male adolescents who were referred from a Washington state juvenile court for diagnostic evaluation in 1976. These subjects (ranging in age from 14 to 17 years) were either adjudicated delinquent or incorrigible (status offenders). Subjects studied were assigned to the following five (5) groups depending on type of adjudication and disposition:¹

<u>Group</u>	<u>Adjudication</u>	<u>Disposition</u>
I	Delinquent	Returned Home on Probation
II	Delinquent	Placed in Group Home
III	Delinquent	Committed to State Institution
IV	Incorrigible	Returned Home on Probation
V	Incorrigible	Placed in Group Home

¹Since it is unlikely that these 60 cases could have been distributed evenly over the five (5) groupings with exact 12 per group, these data should be interpreted very cautiously as small subsamples confound the data analysis problems and make interpretations of significant differences between groups suspect.

Clinical analysis of the MMPI profile data revealed that three (3) separate groups or patterns could be distinguished. Pattern 1 included Group V above and indicated that this group showed the most pathological personality adjustment problems. The authors note (p. 29) that this pattern "...is distressing for it reflects an adolescent who is prone to act-out against both people and property and is frequently seen in youngsters who come to the court for assault and previous property crimes."

Pattern 2, which characterized Groups II, III, and IV, indicated that these youths did not differ greatly from each other; but they were significantly different from the other two groups. The profiles of these three combined groups showed moderate delinquent attitudes. These youngsters had profile characteristics which are associated with moderate to high levels of youthful rebellion and antisocial acting-out.

Pattern 3, which characterized Group I, shares its personality structure with no other group. Although these youngsters had committed a felonious act, the authors note that their personalities were clinically within normal limits.

From Study I the authors drew two major conclusions:

- a. The inclusion of Group IV (incorrigibles on probation) with Groups II and III (delinquents committed to the Washington State Department of Institutions for a structured and secure program) clearly reflects the large overlap between the personalities of adjudicated delinquents and incorrigibles (or status offenders).

- b. These data refute the premise that status offenders should be segregated from their more dangerous and aggressive delinquent peers. This is especially true given that the group with the most aggressive personalities turned out to be status offenders (incorrigibles placed by the state in group homes).¹

Study II focused on a different group of youths (both boys and girls) and evaluated court histories for 500 cases over an 18-month period between 1974 and 1975. Cases were tracked from a minimum of 18 months to a maximum of 30 months with counts made for each child returned to court for any reason and for returns to the court for a delinquent act.

The first part of this second study focused on comparing the return rates of incorrigibles, burglars, and shoplifters. The results showed that the incorrigibles were more likely to return to the court than either the burglar or shoplifter groups.

¹While this study refuting the premise of basic personality differences between status offenders and delinquents is reported here, there was no attempt in this paper to explore the large body of research (especially psychological research) which seeks to identify unique sets of psychological or social types of delinquents. For instance, there is a growing body of research where claims have been made that certain subgroups of status offenders (especially chronic runaways) and delinquents (mainly those acting out in aggressive ways towards others) manifest unique personality characteristics and patterns. See, for example, the following references for attempts to summarize and extend such research: (1) Juvenile Justice Center of Pennsylvania, The Status Offender: Characteristics and Considerations for Alternatives to Detention and Treatment, Philadelphia, 1976, and (2) Kosuke Tsubouchi and Richard L. Jenkins, "Three Types of Delinquents: Their Performance on MMPI and PCR," Journal of Clinical Psychology, Vol. 25, No. 4 (October 1969), pp. 353-358.

A second part of this study compared the reason for return for those subjects who did appear in court again within the study period. No differences were noted between the three groups here.

The authors conclude (p. 30) that "...when status offenders are first referred to the court, they are more likely to return than youngsters who come to the court's attention for either burglary or shoplifting. When they do return, they are just as likely to return for a delinquent act."

From these two studies (both of which suffer from certain methodological inadequacies),¹ the authors conclude (p. 30) that "...the status offender does not appear as a victim of transient family strife, rather, the group shows a consistent pattern of court involvement beginning with status offenses and culminating with delinquent actions. In addition, the personality structure of many status offenders is not unlike that found in adults who are described as dangerous and unpredictable."

By way of conclusion, they make the following statement:

These results do not support a notion that all status offenders are potential felons and character disordered individuals. However, there is substantial evidence to support the conclusion that there are many status offenders, probably more than delinquent peers, who have great unmet needs and who will eventually wield much hardship and personal loss on themselves and society. (p. 30).

And further, they state:

The results of these studies suggest that each child is an individual, and to separate the needs of youngsters on the basis of their legal status is artificial and scientifically unfounded. Such a large overlap exists between the needs of those adolescents who are either delinquent or status offenders that justification for separate adjudication and processing systems is untenable. (p. 30).

¹One glaring deficiency of this study, for example, is the failure of the authors to present tabular or percentage data for the reader to examine the basic relationships reported upon in the study.

4. Stevens H. Clarke, "Some Implications for North Carolina of Recent Research in Juvenile Delinquency," Journal of Research in Crime and Delinquency, Vol. 12, No. 1, (January 1975), pp. 51-60.

This article is based on a supplementary analysis of the now famous Wolfgang-Figlio-Sellin cohort data.¹ The study is of interest to us here mainly in that it contrasts status and delinquent offenders in terms of recidivism and further suggests different policy priorities in terms of concentrating resources and services on juvenile offenders.

Most importantly this article presents a test of the "escalation theory" --the theory that undesirable behavior in children tends to increase in dangerousness with age on a continuum from trivial juvenile status offenses to serious delinquent offenses.²

A number of findings emerge from this analysis of the Philadelphia cohort data. First, Clarke found that boys in the cohort whose first (official) offense was a status offense were much less likely to recidivate than those whose first offense was a criminal act.

¹See Marvin Wolfgang, Robert Figlio, and Thorsten Sellin, Delinquency in a Birth Cohort, Chicago: University of Chicago Press, 1972, for a description of this cohort or longitudinal study of 9,245 boys followed in terms of official records from age 7 to 18 in Philadelphia.

²Status offenses in this study refer to acts or behavior that bring a juvenile under juvenile court jurisdiction but would not constitute adult crime (truancy, incorrigibility, etc.), whereas delinquent offenses refer to acts of adult criminality (misdemeanors and felonies).

These status offenders were much less frequent and less serious offenders until age eighteen than boys whose first offenses were of other types. In fact, Stevens notes (p. 55), " . . . the majority of the first juvenile status offenders do not have a single offense on their records involving actual injury, theft, or property damage."¹

In addition, Clarke notes that his data support the conclusion that first juvenile status offenders are the least dangerous group by far. They are (in general) less likely to recidivate, less likely to become chronic offenders (and FBI index crime offenders), and accumulate fewer seriousness points (computed by using the procedure developed by Wolfgang and Sellin²).

These findings on the relative dangerousness of various types of first offenders are inconsistent with the predictions of the "escalation theory." In addition, it also appears that another implication of the Philadelphia data is inconsistent with this theory. "The chance of committing an additional offense of any particular type was found to depend only on the type of the one previously committed, and not on the total number of offenses committed in the past." (p. 56.)

¹This finding is not necessarily true for nonwhites examined separately since a majority of nonwhite first juvenile status offenders may have committed at least one (FBI) index offense. The nonwhite mean number of index offenses is 0.658 which makes the above statement a possibility here.

²See Marvin Wolfgang and Thorsten Sellin, The Measurement of Delinquency, New York: John Wiley, 1964.

If the escalation theory had been validated by these data, we would have expected to find the chance of committing an index offense (one involving actual injury or property loss) to have increased commensurate with the accumulation of all offenses committed. In regard to these findings, Clarke makes the following statement (p. 56):

Therefore, although the Philadelphia data do not negate the idea that intervention and treatment should occur as early as possible, they suggest that the idea that undesirable behavior escalates may need to be reconsidered.

The major policy implementation that Clarke draws from his data and analyses is that first index offenders rather than first status offenders ought to be the major target of juvenile diversionary programs (especially youth service bureaus). This conclusion is the result of his thinking that these first index offenders (because of their high recidivism rates and chronic involvement in serious index offenses) represent a larger payoff for a delinquency prevention-reduction program. Preventing their involvement in future offenses would create a considerable reduction in (FBI) index and other delinquent offenses. He summarizes this logic by quoting Wolfgang, Figlio, and Sellin (op. cit., p. 74) as follows:

Under the generally accepted assumption that the index offenses are the most serious, they are the ones which any deterrence or prevention program should attempt to reduce, and that most of the other forms of delinquency are relatively trivial, our study indicates at this stage that the critical moment of social cost reduction occurs when juveniles have committed their first offense. To produce delinquency desistance at this stage in the biography of the child might thus be considered a primary goal.

5. Richard A. Jones, "A Demographic Analysis of Juveniles With and Without Subsequent Referrals to the Marion County Juvenile Department in 1974 and 1975," Salem: Oregon Law Enforcement Council, November 1977.

This is a statistical study which provides some longitudinal type data comparing status and other types of offenders referred to the juvenile department of Marion County in Salem, Oregon, during 1974 and 1975. While no rigorous attempt is made to control for time at risk for rereferral, the study does contain some information on rereferrals of adolescents which is of use in establishing information about status and delinquent offenders in Oregon.

The sample consisted of 1,985 juveniles referred for the first time during 1975 and 2,208 referred for the first time in 1974. These juveniles were tracked and subsequent referrals were tallied if they occurred at any time up to the end of CY 1975. This meant that juveniles in the combined sample were followed for anywhere from a day to two years, depending on date of initial referral.

Initial and subsequent offenses were reduced from a list of 98 possible reasons for referral to seven (7) major categories. These were eventually reduced to three: (1) Law Violations (LV) - which included all offenses applicable to both juveniles and adults¹; (2) Offenses Applicable Only to Juveniles (OAOJ) - which included status offenses² and neglect,

¹These included offenses against the person, property, drugs, and all others.

²These included runaway, curfew violations, beyond control status, truancy, minor in possession of alcohol, etc.

abuse and dependency¹ and (3) Traffic - which included all traffic, DUIL, and bicycle violations.

Data from Table 5 of the report (p. 9) indicates the following proportions (or percentages) of each major type of offense group with subsequent referrals:

<u>Type of Offense at First Referral</u>	<u>Percent with Subsequent Referral(s)</u>
Law Violators	19.9 %
Offenses Applicable Only to Juveniles (Status and Neglected-Abused-Dependent)*	26.3 %
Traffic	24.8 %

*The separate percents were 27.6 percent for status offenders and 25.6 percent for "neglected, abused and dependent" juveniles.

From the above data it would appear that juveniles initially charged with status offenses are more likely to recidivate than the other major types, although the differences in rereferral rates are not very great.

This tendency for status offenders to be rereferred slightly more often also holds when the subsequent referral proportions are examined separately for those initially referred in CY 1974 and in CY 1975.

¹These included neglect, abuse, dependency, custody and special proceedings.

In subsequent examination of the data it also appeared that type of offense at first referral is associated with type of offense at second referral. Excluding first referrals with traffic offenses, 76.9 percent of the 485 initial offenders with offenses applicable only to juveniles (status offenders and neglected-abused-dependent youths) had the same category of offenses at second referral. For those 332 law violators at initial referral having a second referral, 60.8 percent also had adult criminal law violations on the second referral. In addition, it also appears that in comparing type of offense at first versus second referral, those with law violations are more likely to become status-type offenders (those with offenses applicable only to juveniles) at second referral than vice versa. Further analyses using five major offense types (with the status and neglect-abused-dependent categories separate) indicate that initial status offenders are slightly more likely than the other four types initially charged to have second referrals and to have this second referral within the same charge or reason category.

6. Theodore N. Ferdinand, "The Offense Patterns and Family Structures of Urban, Village, and Rural Delinquents," Journal of Criminal Law, Criminology, and Police Science, Vol. 55, No. 1 (March, 1964), pp.86-93.

As with the McNeece study cited earlier, the research reported in this article was not specifically designed to test assumptions about differences or similarities between status and other types of juvenile offenders. However, it is possible to ask some research questions about these assumptions and to generate some tentative answers through reconstructions of the tabular data presented in the article.

The original research was designed to identify some of the respective characteristics of juvenile court processed delinquents residing in urban, village, or rural communities in Michigan in 1960.¹ In particular an attempt was made to contrast rural and urban area delinquents in terms of social background characteristics (sex and family disorganization) and offense patterns. The study is of interest to us mainly in that the researcher classified offense patterns into two broad categories defined in the following way: first, those delinquents who committed the offense of auto stealing, other stealing, damage to property, carelessness, or mischief were considered to be "property offenders;" while those who were truant, incorrigible, disobedient, or had run away were considered as "offenders against authority"² (i.e., our contemporary status offenders).

¹The sample included both official and unofficial juvenile court cases. Each of Michigan's 83 counties were divided into the crude categories of rural, village, and urban depending upon various census bureau criteria and certain decisions made by the researcher.

²Because of their small numbers in non-urban areas, non-whites were not included in this investigation.

By concentrating on the property offense-status offense dichotomy rather than the urban-rural one and through simple rearranging and repercentaging of data from certain tables, it is possible to highlight selected differences of interest to us in this paper.

First, it appears that we are much more likely to find a higher proportion of status offenders with voluntarily broken homes¹ than property offenders.

This positive relationship between type of offense² and the percentage of delinquents from voluntarily broken homes holds for both males and females and for those from all three (3) community types (rural, village and urban). Through a reconstruction of data from Tables II, III, V and VI in the Ferdinand article, our Table 4 captures these differences:

¹Voluntarily broken homes are homes where the marital status of the parents is "separated," "divorced," or "deserted."

²It should be pointed out that Ferdinand does not elaborate on the criteria he used to classify cases into the basic categories of property offenders vs offenders against authority. In particular, he does not mention any problems concerning offenders committing both types of offenses. This "mixed type" offender either does not exist in his data or Ferdinand somewhat arbitrarily "forced" his sample units into one category or the other. Ferdinand does hint at the problems here when he says (p. 93):

One difficulty, however, which this researcher felt acutely that has not been so widely commented upon is the fact that in working with official data, the investigator has no access to the individuals represented by the data cards, and hence is completely cut off from the kind of first hand involvement that often provides the most insightful and sophisticated hypotheses. Thus, when paradoxes appear in the data, there is no experience from which pregnant hunches might be drawn.

Table 4

Percentage of Cases from Voluntarily Broken Homes
by Sex, Community Type and Type of Offense Pattern¹

Sex	Type of Offense Pattern	Community Type	Percentage With Voluntarily Broken Homes
Males	Status Offenses	Rural	35.7%
		Village	35.7%
		Urban	36.2%
	Property Offenses	Rural	17.9%
		Village	19.2%
		Urban	22.7%
Females	Status Offenses	Rural	35.7%
		Village	31.5%
		Urban	35.5%
	Property Offenses	Rural	27.9%
		Village	25.8%
		Urban	16.0%

An examination of data in Table 4 reveals that for each sex grouping and regardless of type of community of residence, more status offenders than property offenders come from voluntarily broken homes. If marital status of parents is at least a crude indicator of "family disorganization" and if "disorganized" families have problems socializing their children adequately, then status offenders are more likely to experience the adverse effects of family disruption than are property offenders.

¹Ferdinand uses the terms "individuals" and "cases" interchangeably without really telling us if every case is a unique individual and whether or not individuals can occur more than once as cases.

A second major finding of the Ferdinand study relating to status offenders emerges through a modification and reconstruction of the left hand portion of his Table VII. Using the data from Tables I through VI, we can redo his Table VII in percentage terms. In doing this we are primarily concerned with examination of the distribution of status offenders across the various sub-samples formed in our modification of his Table VII. Table 5 presents these reconstructed data.

Table 5
Percentage of Cases with Status Offenses
by Sex, Community Type and Family Status¹

Sex	Community Type	Family Status ²	Cell Size	Percent With Status Offenses
Males	Rural	I	(127)	5.5%
		B	(37)	13.5%
	Village	I	(295)	11.2%
		B	(90)	22.2%
	Urban	I	(432)	19.4%
		B	(176)	33.5%
Females	Rural	I	(18)	38.9%
		B	(10)	50.0%
	Village	I	(53)	58.5%
		B	(26)	65.4%
	Urban	I	(109)	84.4%
		B	(61)	93.8%

¹Excludes cases where the marital status of the parents indicated that the father or the mother was deceased.

²I = "intact" as indicated by parent's marital status ("married and together"), B = "broken" as indicated by parent's marital status ("separated," "divorced" or "deserted").

In reading Table 5 vertically, we become aware that the subsamples form a partial ordering in that going from top to bottom we are heading in the direction of these groupings which ought to be more vulnerable to the effects of social and family disorganization. We would expect that females more than males, those from "broken" homes more than "intact" homes, and those in urban areas more than rural areas would experience "disorganization" or its effects.

The official court data in the table confirms that where the potential for social disorganization is highest (the subsample of females living in broken homes in urban areas), we have the highest proportion with status offenses (93.8 percent). Where the social disorganization potential was lowest (the subsample of males living in intact homes in rural areas), we have the lowest proportion with status offenses (5.5 percent). As we moved from top to bottom toward positions of greater vulnerability, the proportions gradually increase.

C. STUDY FINDINGS

While the selective list of references here is small (and perhaps biased in some unknown ways), it is possible nonetheless to draw out some initial inferences about the basic differences (if any) between status offenders and other types of offenders. These findings fall into several categories as follows:

1. Recidivism Rates by Initial Offense Type

Three (3) of the four (4) studies cited which examined the recidivism rates of status vs. other types of juvenile offenders first referred to juvenile court or the police indicated that status offenders were slightly more likely to recidivate (i.e., have subsequent referrals) than non-status offenders. The lone exception here was the study by Clarke based on a reanalysis of the Wolfgang, et al, Philadelphia birth cohort data. Some clues as to why this study deviates from the pattern of the others lies in the fact that it is based on police data and records to determine delinquency rather than records of delinquency referrals to the juvenile courts. In addition, the Philadelphia data come from a cohort of boys born in Philadelphia in 1945 and followed from their tenth to their eighteenth birthday. The sample size (nearly 10,000 juveniles) is much larger, too. Also, this study measures delinquency more broadly on more juveniles (boys only) and follows them longer. The other studies examine fewer juveniles (of both sexes) and only

those referred who got further into the juvenile justice system (i.e., all the way to the juvenile court).¹

We can state that juvenile boys in Philadelphia in the early 1960's who had status offenses when first brought to the attention of the police were the least likely to come to their attention again.² Meanwhile, it would appear that those juveniles of both sexes first referred to the juvenile court as status offenders in cities represented in the other studies had slightly

¹Historically a number of studies of the recidivism rates of juvenile court clients support the conclusion that those juveniles first referred to the juvenile court for status offenses return as often or more often than those first referrals for criminal or delinquent type offenses. As early as 1937, Kirkpatrick reported in the American Journal of Orthopsychiatry ("Some Significant Factors in Juvenile Recidivism," July 1937, pp. 349-359), that after burglary, status offenders (those with incorrigibility, runaway and truancy offenses) had the next highest recidivism rates.

Weeks, in a later article in the American Sociological Review ("Predicting Juvenile Delinquency," February, 1943, pp. 40-46) notes that property offenders and status offenders (runaways, truants and incorrigibles) appearing in the juvenile court had the highest scores based on prediction tables constructed to predict future delinquency.

In a recent study which is more methodologically adequate, Anthony Meade notes that his examination of data from a sample of juveniles referred to a county juvenile court reveals that type of first offense resulting in a petition was significantly predictive of recidivism. Data from Table 7 of the Meade study indicates that 44.7 percent of the initial status offenders, as opposed to 31.0 percent of the initial delinquent offenders, recidivated. See Anthony Meade, "Seriousness of Delinquency, the Adjudicative Decision and Recidivism - A Longitudinal Configuration Analysis," Journal of Criminal Law and Criminology, Vol. 64, No. 4 (December, 1973), pp. 478-485.

²In addition, Clarke's data confirm that, in general, status offenders are less likely to commit FBI index crimes, are less likely to be involved in serious crime, and are less likely to be "chronic" offenders.

higher rereferral rates when compared to those initially referred for other types of offenses. These findings suggest the possibility that status offenders vary in terms of recidivism in proportion to the degree to which they have penetrated the juvenile justice system. That is, those who make it well beyond police contact and experience juvenile court processing will have higher recidivism rates than those who are released by police without a juvenile court referral. (Those status offenders who penetrate this system beyond court processing and experience incarceration in a state training school may have even higher recidivism rates.) If juveniles initially charged with status offenses did manifest a positive correlation between degree of system penetration and magnitude of recidivism rates, then we would want to explain why this correlation exists and whether the magnitude of such a correlation is the same for juveniles initially charged with other types of offenses (other than status offenses) and under what conditions such a correlation holds. This implies some further research. We would want to research, for example, the extent to which selection factors operate to determine which status offenders penetrate the juvenile justice system and how far; and we would want to know how official juvenile justice system processing affects recidivism rates. To answer the question of whether or not status offenders¹ are different from other juvenile offenders in terms of their recidivism rates

¹We imply here that we can (conceptually and operationally) distinguish status from other juvenile offenders with some ease when this may be difficult, if not impossible, in many situations, due to involvement in multiple offenses of different types. Even the preliminary task of developing an operational definition of a status offense has proven to be a very complex task as evidenced in the special studies commissioned by LEAA (JJJDP) to determine appropriate definitions and classification criteria to identify targeted status offender youth for deinstitutionalization and diversion programs. In one study the operational definition finally developed consisted of a set of 46 scenarios depicting possible series of events that could delineate various routes to status, delinquent, and non-offender categories. See Jack D. Foster, et al., Status Offenders: A Working Definition, Council of State Governments, Lexington, Kentucky, 1975, for more details about these studies.

then, we need to know how status offenders differ among themselves in terms of individual and family characteristics (the selection factors which determine in part the extent to which they penetrate the juvenile justice system) and in terms of how they differentially experience and react to labels acquired in the process of moving into or around the formal juvenile justice system.¹

2. Recidivism by Type of Subsequent Offense

Besides differences in recidivism rates between sub-types of status offenders and between status offenders and other types of juvenile offenders; there is the question of whether or not status offenders who recidivate continue as status offenders or do their offenses escalate to more serious delinquent or criminal type acts as proponents of the "escalation theory" argue.²

Four of five (5) studies reviewed yield findings which bear on the issues which can be raised about the homogeneity or heterogeneity through time of the offense careers of different groups of juveniles arranged by type of initial offense.

One study (that by Marra and Sax) while reporting no actual data concludes (p. 30) that when their random sample of status offenders were first referred

¹That is, we are interested in determining whether or not official labeling sustains or amplifies involvement in deviance.

²Escalation theory holds that undesirable behavior in children tends to increase in dangerousness with age following a continuum from trivial juvenile status offenses to more serious delinquent and criminal offenses.

to court, they were more likely to return than youngsters first referred for other offenses (burglary or shoplifting) and when they do return, they are just as likely to return for a delinquent act. Further, they conclude (p. 30)¹ that:

...the status offender does not appear as a victim of transient family strife. Rather, the group shows a consistent pattern of court involvement beginning with status offenses and culminating with delinquent actions.

The study by Thomas examines the premise that status offenders do not pose a major threat to the larger society in that they have not been and are not likely to become involved in any serious delinquent misconduct. His data, he believes, undermines this premise. He points out (p. 448) that:

...neither those initially charged with a status offense nor the other two groups (those initially charged with felonies or misdemeanors) appear bound to a single type of delinquent involvement.

In fact, he maintains (p. 448) that:

...any contention that those initially charged with a status offense will remain status offenders finds no support in this analysis: 59.15 percent (N=223) of the reappearances charged against those initially appearing for a status offense involve either misdemeanors or felonies.

Thomas concludes by saying (p. 448):

The fact that status offenders quite obviously go on to become involved in offenses other than status offenses undermines a major portion of the argument advanced by many of those now seeking to remove this category of offenders from the jurisdiction of the juvenile court.

¹Without more documentation on how these findings were substantiated in this study the reader should be warned that these interpretations of their unreported data are subject to possible reinterpretation.

Because Thomas also notes (p. 448) that a significant number of those appearing before the court on status offenses have previously been charged with more serious types of delinquency, he argues that the above premise finds no further support in this analysis.

While Thomas states that his data cannot be used to obtain an unbiased evaluation of potential progressions toward more serious delinquent involvement, he does maintain (p. 449) that any suggestions that formal court appearance are so stigmatizing that they encourage recidivism is difficult to substantiate with the data available on those in his sample. On the other hand, he adds (p. 455) that the evidence does not support the notion that court intervention is beneficial for status offenders either.

The study by Jones, while limited to an examination of first and second referrals, provides some data of use to us in examining offense switching. His data verify that a substantial proportion (28%) of juveniles first referred for status offenses committed law violations when rereferred. However, when we adjust for differences in study methodology¹ and compare the Jones and Thomas studies in terms of shifts between status and non-status (criminal law violation) type of offenses and between first and second referral, some notable differences emerge. Table 6-A and Table 6-B present data on the distribution of status vs. non-status² offenses by first and second referral for each study.

¹Jones's study includes traffic offenses, as well as neglected, abused, and dependent youngsters in his offense types.

²For Jones's study non-status offenses are composed of his property offenses and other law violation categories (excluding traffic offenses and "children in need of services"). For Thomas's study non-status offenses include his felony and misdemeanor categories (excluding minor traffic offenses and children in need of services).

Table 6
A Comparison of Recomputed Data from
the Jones and Thomas Studies¹

A. Thomas Data (Recomputed)

Offense Charged at Initial Referral	Offense Charged at Second Referral		Total
	Non-Status Offense (Criminal Law Violation)	Status Offense (Age Specific Offenses)	
Non-Status Offense (Criminal Law Violation)	(a) 314 (84.0 %)	(b) 60 (16.0 %)	374 (100 %)
Status Offense (Age Specific Offenses)	(c) 117 (53.9 %)	(d) 100 (46.1 %)	217 (100 %)
Total	431	160	591

$$\chi^2 = 61.253, 1 \text{ d.f.}, p < .001$$

$$\phi = .326$$

B. Jones Data (Recomputed)

Non-Status Offense (Criminal Law Violation)	(a) 202 (65.6 %)	(b) 106 (34.4 %)	308 (100 %)
Status Offense (Age Specific Offenses)	(c) 90 (33.0 %)	(d) 183 (67.0 %)	273 (100 %)
Total	292	289	581

$$\chi^2 = 60.291, 1 \text{ d.f.}, p < .001$$

$$\phi = .3255$$

¹Both studies examine cases (individuals) initially referred to the juvenile court (two courts in the Thomas study and one in the Jones study). However, the cases were examined for two years in the Jones study and for four years in the Thomas study. Also, it should be remembered that Jones' study includes all referrals to the court within the two years studied regardless of subsequent court action taken, while Thomas' study includes only those cases where at least the initial court appearance involved the presence of a formal petition based on alleged delinquency. This implies that the Thomas sample was composed of juveniles who were more involved in the court process and who probably had penetrated the juvenile justice system further.

Looking at Table 6 we find that in both studies the numbers of cases with an initial and a second referral are about equal (N = 591 in the Thomas study and N = 581 in the Jones study). Examination of the row totals for the study sub-tables indicates that slightly more of the juveniles in the Jones study were first referred for status offenses when compared to the Thomas study (47.0% vs. 36.7%).¹

Two important sets of findings emerge from an examination of these two studies. First, it appears that juveniles in both studies who initially come to the attention of the court and return a second time tend to some degree to return the second time for the same type of offense.

In both sub-tables (for both studies here) the chi-square values for the test of independence and the phi coefficient values for the test of statistical independence indicate that type of first offense is related to type of second offense. The overall pattern of the relationship is the same in both study sub-tables, but the relationship is not of very great magnitude indicating that type of initial charge appears to be a weak predictor of type of subsequent (or second referral) charge.² While prediction studies involve many

¹Remember that the Jones study contained all cases referred while Thomas limited his cases to those involving the filing of formal petitions; and again it should be pointed out that Thomas does not indicate if subsequent, as opposed to initial offenses, also required the filing of a formal petition to be counted.

²This moderate tendency to repeat the same type of offense was substantiated in the analysis of the police contact data from the Wolfgang, et al, Philadelphia boys cohort study. See Marvin E. Wolfgang, "Crime in a Birth Cohort," Proceedings of the American Philosophical Society, Vol. 117, No. 5, (October, 1973), p. 407.

technical issues beyond the scope of this study, further analysis of these data (in Table 6) can substantiate the above conclusions.¹

Besides a moderate tendency to repeat the same type of offense, a second set of findings emerge from our comparison of the Thomas and Jones data sets in Table 6. In terms of offense switching, both samples have sizable numbers changing offense types between first and second referral (29.9 percent in Thomas' sample and 33.7 percent in Jones' sample). However, there is a tendency in the Thomas data for more criminal law violators at first referral

¹If we label the cells of each of the 2 x 2 sub-tables in Table 6 with the letters "a," "b," "c," and "d," a simple measure for predictive efficiency can be computed. If we are to predict type of offense at second referral from type of offense at initial referral, the formula for the "index of predictive efficiency" (IPE) here is as follows:

$$\begin{aligned} (1) \quad \text{IPE} &= \frac{a}{a+b} - \frac{c}{c+d} \\ (2) \quad \text{IPE} &= \frac{d}{c+d} - \frac{b}{a+b} \end{aligned} \quad \text{or}$$

Both of these formulas give identical results for a single 2 x 2 table, though the index is affected somewhat by the marginals in comparing two different 2 x 2 tables.

For the Thomas data, the IPE value, using formula #1, was 30.1 percent indicating that there was a difference of 30.1 percentage points between the proportions of criminal type and status offenders at initial referral who were criminal type offenders at point of second referral. That is, 84.0 percent of the cases first referred for criminal law violations had criminal law violations at second referral and 53.9 percent of those first referred for status offenses had criminal law violations at second referral, for a difference of 30.1 percent. Since this index can range in value from 0 percent (no basis for prediction) to 100 percent (perfect prediction), a value of 30.1 percent indicates low predictive efficiency. A knowledge of type of first referral offense provides only a weak basis for predicting type of second referral offense. The IPE value for the Jones data (Table 6-B) yields a IPE value of 32.6 percent giving results comparable to those for the Thomas data.

to remain in the same offense type category (84.0%) than those beginning as status offenders to be in the same offense category at second offense (46.1%). This pattern does not appear in the Jones data where the respective percentages are 65.6 percent and 67.0 percent.¹

Stated differently, there is a difference between the two studies in terms of offense switching. In the Thomas study more status offenders become criminal law type violators than vice versa when we examine charges at first referral vs. second referral. In the Jones study it appears that equal proportions of both categories of juveniles arranged by type of initial charge remain in the same charge category at point of second referral.

Some clue as to why we have different results here lies in the fact that more children in the Thomas sample than in the Jones sample have penetrated the juvenile justice system further (i.e., gotten to the petition stage). Explaining the tendency of Thomas' cases to escalate from status to criminal offenses from first to second referral is a difficult task. Three plausible explanations for such a tendency are as follows: (1) Deeper initial system penetration exposes cases to the alleged stigmatization of juvenile court processing and the presumed production of later, more serious delinquency. (2) Because petitions were filed at first referral, we are dealing with cases

¹The McNemar test for the significance of changes yields a χ^2 value of 109.58 for the Thomas data (Table 6-A), but only a value of .84 for the Jones data (Table 6-B). Based on this test, it appears that in the Thomas study, significantly more status offenders become criminal law type violators than criminal law type violators become status offenders when we examine alleged charges at first vs. second referral. The Jones data show equal proportions of both initial groups changing to a different offense over time. See Sidney Siegel, Nonparametric Statistics, New York: McGraw-Hill, 1956, pp. 63-67, for a description of the McNemar test.

the juvenile court regards as so serious that when second referrals occur which involve both status and delinquent (criminal) offenses the court is more willing to label these kids delinquents. (3) It is entirely possible that kids simply escalate their involvement in more serious delinquency regardless of how they are labeled and processed.

Obviously, we are kept from making strong generalizations about shifts between offense categories by order of referral based on only two studies.¹ It appears, however, that offense switching occurs frequently enough to call into question our assumptions about the extent to which these groups are unique in terms of offense careers. We are left, therefore, in the uncomfortable position of having to suggest that for some juvenile offenders recidivism behavior tends to remain within type (i.e., status to status and criminal to criminal), but other recidivists (both status and criminal) are not limited to one type of offense and as subsequent offenses occur cross-overs from one type to another type of offense are not uncommon.

In contrast to the three juvenile court data based studies just discussed, the Clarke study based on the police records of the Philadelphia cohort of nearly 10,000 male juveniles indicates a different pattern of findings in regard to the issue of testing out the escalation theory. Clarke reports (p. 55) that the initial or "first status offenders" are much less frequent and less serious offenders until age eighteen than boys whose first offenses are of

¹Results of research studies on offense switching by type may vary greatly depending on decisions made by the researcher(s) on number of offense type categories used, number of subsequent referrals examined, length of risk period selected, and coding decisions made in reference to how to handle referrals involving multiple offenses. For a good discussion of definitional and classification problems involving status offenders, see Joseph White, "Status Offenders: Which Side of the Road," in Criminal Justice Review, Vol. 1, No. 1 (Spring, 1976), pp. 23-43.

other types. This finding seriously questions the escalation theory assumptions. Clarke also challenges the escalation theory based on another finding of the Wolfgang et al study. He states (p. 56):

Wolfgang, Sellin, and Figlio found that--as far as officially recorded offenses were concerned--the chance of committing an index offense did not change substantially from the second to the ninth offense. The chance of committing an additional offense of any particular type was found to depend only on the type of the one previously committed, and not on the total number of offenses committed in the past. This finding is inconsistent with the "escalation theory." If the latter were true, we would expect to find that the chance of committing an index offense (one involving actual injury or property loss) would increase with the total number of offenses committed.

Again this inconsistency in findings must be attributed to basic differences in study methodology and to the fact that the Wolfgang data includes both those boys who may have penetrated the juvenile justice system and those who may not have.

3. Additional Findings on Recidivism Patterns

Because the Thomas study is designed to provide information on basic differences between status and criminal type juvenile offenders and because it is based on a longitudinal assessment, this study offers us a data base for additional inferences of importance here. By rearranging and repercentaging the data in certain of the tables in the Thomas study, a number of new findings and inferences can be drawn from his data. These findings can be listed as follows: First, it appears that the more rereferrals clients have, the somewhat less likely are these rereferrals to be for status offenses.¹

¹This pattern might be confounded with age in that the more rereferrals one has, the older the client is likely to be. It is clear that research on offense patterns must control for both differences in age of offender and period of risk to recidivate. In both the Thomas and the Jones study, control for these factors is very crude.

Table 7 (which is based on data from the first three tables in the Thomas study) tends to confirm this finding.

Table 7
Proportions (%) With Status Offenses¹
by Number of Subsequent Referrals
(Thomas Study)

	Number of Subsequent Referrals			
	None (N=1,501)	One or More (N=591)	Two or More (N=282)	Three or More (N=141)
Percent With Status Offenses:	23.6 %	27.1 %	22.7 %	19.1 %

¹The total sample N = 2,092 with 572 or 27.3 percent of the initial or first court appearances involving status offenses.

Second, clients whose initial court appearance was for a status offense have slightly higher proportions with multiple referrals than those whose initial court appearance was for a felony or misdemeanor. This indicates that continued involvement with the juvenile court is just as likely, or more so, for status as opposed to other types of offenders with an initial court appearance. Table 8 presents the data leading to this finding.

Table 8
Proportions (%) with Subsequent Referrals to the
Juvenile Court by Type of Offense at Initial Referral
(Thomas Study)

Type of Offense at Initial Juvenile Court Appearance	Percent with at least		
	1 Referral	2 Referrals	3 Referrals
Felony (N=467)	31.5 %	15.0 %	8.8 %
Misdemeanor (N=1,053)	21.6 %	9.9 %	4.6 %
Status (N=572)	37.9 %	18.9 %	9.1 %

Third, in terms of subsequent referrals for serious offenses (felonies and misdemeanors), those clients whose initial charge involved a status offense appear to resemble more closely clients whose initial referral was for a felony offense than they resemble those whose initial referral was for a misdemeanor. Table 9 confirms this finding.

Table 9
Proportions (%'s) With Subsequent Juvenile Court
Referrals for Felonies or Misdemeanors by Type
of Offense at Initial Referral
(Thomas Study)

<u>Type of Offense at Initial Juvenile Court Appearance</u>	<u>Percent with Subsequent Referrals Involving Felony or Misdemeanor Offenses</u>		
	<u>One or More</u>	<u>Two or More</u>	<u>Three or More</u>
Felony (N=467)	27.8 %	12.8 %	7.9 %
Misdemeanor (N=1,053)	17.5 %	8.2 %	4.1 %
Status (N=572)	20.5 %	12.6 %	5.9 %

4. Personality and Other Differences Between Status and Delinquent Offenders

Only the study by Marra and Sax, of the six studies cited, examines the issue of whether or not status offenders have personality patterns different from delinquent offenders. Based on analysis of Minnesota Multiphasic Personality Inventory (MMPI) profile data, they claim their data refutes the premise that status offenders (incorrigibles in their terms) should be segregated from their more "dangerous and aggressive" delinquent peers. Basically they argue

that there is such a large overlap between the personality structures of the two groups that such a physical separation is unwarranted. Due to the methodological inadequacies¹ of this study, however, it is difficult to access the full significance of these assertions. Their study, however, suggests that we must research our basic assumptions about the differences in personality patterns attributed to these two groups.

The Ferdinand study citing findings which suggest greater vulnerability of status offenders to the effects of family and social disorganization have a particular significance here. Such findings might explain, or at least make more understandable, a number of facts associated with status offenders. For example, Paul Lerman concludes from his studies that status offenders are processed at a higher rate than juveniles referred for adult type offenses (Part I and Part II FBI offenses), that juvenile status offenders are found guilty more often and that they are more likely to be committed to an institution if convicted.²

In the same study, when Lerman included an examination of detention figures in New York City, he found that status offender boys and girls were more likely to be detained than were delinquents; and once detained, they were twice as likely to be detained for more than 30 days than were regular delinquents.

¹Generally, they report little of their analytical data in tabular form and provide few sufficient details regarding their analyses.

²See p. 249 of Paul Lerman, "Delinquents Without Crimes" in Abraham S. Blumberg, (ed.), The Scales of Justice, 2nd ed., New Brunswick, N.J.: Transaction Books, 1973 and Paul Lerman, "Child Convicts," Transaction, Vol. 8, Nos. 9/10 (July/August, 1971), p. 38.

These findings led him to conclude "...it is apparent that juvenile status offenders who receive the special label of 'persons in need of supervision' tend to spend more time in custodial facilities at all stages of their correctional experience than do delinquents."¹

While these facts (above) can be interpreted in many ways, the Ferdinand study and the data in Table 4 ought to at least lead us to entertain the idea that family disorganization is a factor here in determining why the juvenile justice system tends to "hold on to" these children longer than others. Since status offenses cut across the domains of home (incorrigibility), school (truancy), and community (curfew), it is not unreasonable to suggest that status offenders (more than regular delinquents) are those children who have most seriously jeopardized the resources of social institutions (especially the pivotal institutions of the family and the school) to deal with their problems unofficially. If status offenders are multiple problem children with few resources to handle their problems, then we need to demonstrate a better understanding of how these problems interact and accumulate to influence behavior. Likewise, interventive approaches ought to flow more from an understanding of the presumed multiple problem nature of the status offender's total situation.

¹See p. 39 in Paul Lerman, "Child Convicts," Transaction, Vol. 8, Nos. 9/10 (July/August, 1971).

²Juvenile Justice Center of Pennsylvania, The Status Offender: Characteristics and Considerations for Alternatives to Detention and Treatment, 1976.

Some additional support for the above views comes from a recent report prepared in Pennsylvania.² After reviewing the literature on the characteristics of status offenders, the authors conclude (p.13):

...status offenders have more problems at home, more problems at school and more problems adjusting to institutional life and life in general than do normal children and other delinquents. To add further to their dilemma, those status offenders with the most social, familial, environmental and personal problems--the poor, urban black children--face discrimination through lack of services provided by volunteer agencies, proper remedial education and discriminatory placement procedures by the courts.

Based upon their understanding of the problems of status offenders, the authors suggest (pp. 122-123) that a program of "best possible fit" for the status offender would be a day treatment program which would include the following programmatic variables:

1. The availability of temporary housing;
2. The use of individual and group culture involving "positive" peer group cultures;
3. Family therapy emphasizing short-term system intervention and an educational component such as parent effectiveness training;
4. Developmental education programming; and
5. Greater use of community resources and volunteers.

D. CONCLUSIONS

The evidence cited in the previous sections of this report strongly suggest that among those juvenile offenders who are penetrating the juvenile justice system via the juvenile court there may not be substantial differences in the recidivism behavior or inferred personality patterns of status versus delinquent offenders. This suggests that the juvenile justice system may be effectively screening out those status offenders who do not look like delinquent offenders and who are not likely to return to the jurisdiction of this system. On the other hand, there is still the possibility that status offenders may be influenced in a negative way by virtue of juvenile court and other juvenile justice system processing. Either explanation could account for a possible tendency of status offenders in the juvenile justice system to drift toward behavior and personality patterns similar to those of delinquent offenders. Both of these explanations could be jointly true, also.

While the studies quoted represent a beginning in terms of establishing an empirical focus or basis for answering policy-related questions about status and delinquent offenders, the field lacks any real definitive (methodologically adequate) and systematic studies upon which to base our decisions. In particular, it would seem that we need good research which examines how status and non-status (delinquent) offenders are selected for juvenile court appearance and case processing and how degree of penetration into the juvenile justice system affects subsequent behavior and personality patterns.

Though the point has not been made by many, part of the problem faced by researchers and policy makers may be that both status offenses and delinquent offenses take in a very broad range of juvenile behaviors and circumstances.

Likewise, juvenile diversion offers an almost unlimited range of alternatives for status and delinquent offenders. To date, we have not gained an understanding of how to distinguish between different types of juvenile offenders and to recognize different configurations of service needs and problems associated with these different offender types. Merely dividing (somewhat arbitrarily) the offender populations into status and delinquent offenders is not enough.

The problem of juvenile delinquency prevention and treatment always has been one of establishing what treatment (or non-treatment) options work with what clients at what times in what places and under what set of notions of how treatment (or non-treatment) should work.

These early findings from studies permitting examination of differences between status and delinquent offenders strongly suggest that we must do some rethinking when it comes to processing status and delinquent offenders in the juvenile justice system. If we are to distinguish between these two types of offenders, we must do so on the basis of other factors besides merely offense histories or personality tests. The total situation of the juvenile offender must be assessed. Status offenders and delinquent offenders might radically differ from one another when we examine family resources to deal with the "acting out" or "offensive" behaviors of the juveniles involved. It is entirely possible that those status offenders who make their way into the juvenile justice system may have exhausted family and school or community resources to deal with their problems--thus requiring the official intervention of the juvenile court.

In the absence of any clear cut evidence that status offenders who have juvenile court experience represent less of a danger to the community or that their offenses are less innocuous in nature, the approach we take to the official processing of these offenders ought to be one of moderation.

Certainly, no radical changes in philosophy or operational procedures are warranted at present. Continuing the approach of researching the suspected stigma attached to juvenile court processing ought to remain a high priority, but any arbitrary move to create blanket policies to have status offenders circumvent the juvenile justice system ought to be subject to moderation and compromise. More drastic actions must simply await the development of a better empirical data base to support these actions. If there is to be a radical difference in how we process status offenders, as opposed to non-status offenders, there have to be some very basic differences between these types of offenders. To date the research literature has yet to document differences of this magnitude.¹

Further research on the "total situation" of offenders might reveal differences between broad classes and sub-classes of offenders which would form the basis for differential processing and treatment. Given the evidence to date about the rather extensive problems and service needs of status offenders, research on the total situation of status offenders versus delinquents might be a profitable avenue for future research.

¹For a more systematic summary of the major findings from this research and their implications see the "Executive Summary" section at the beginning of this report.

Also, as the juvenile justice and non-justice systems often provide identical services to status offenders, the "what works question" in delinquency treatment ought to be refined to take into account whether where treatment occurs is important. There certainly appears to be an urgent need to experiment with services for both status and delinquent offenders in both the juvenile court and the larger community service sectors. In the end it may be that nothing short of random assignment of status offenders to formal (juvenile court) and informal (community services) treatment can determine if one setting or the other is superior for the treatment of status offenders.